MINBEN (PEOPLE-AS-ROOT) AND MINQUAN (CIVIL RIGHTS)

‘The people are the root of the nation; when the root is solid the nation is tranquil.’¹ This line from the Shang Shu is the earliest source for the concept of minben (people-as-root) in ancient Chinese and has become its locus classicus. Like many of the other earliest philosophical works, the meanings contained in this sentence are profound and the possibilities for interpretation are many. Careful investigation of the concepts it contains - min (people), ben (root), bengu (the root is solid), bangning (the nation is tranquil) – would require a consideration of a number of questions. What political morality should authority in the state accord with? How should the relationship between the state and the people – the most important constituents of a state – be defined? On whose behalf should the root be made solid? Whose root should be made solid? What makes the people the root? At the same time as being the root of the nation, what do the people as persons take as their own root? What is the relationship between the root of a nation and the root of the people? These are the fundamental questions in political and legal philosophy. Here we will confine ourselves to a discussion of them insofar as they touch on rights.

This essay will seek, by identifying and utilising the rights component of the traditional people-as-root concept and its transformations over time and with a continuation and recounting of that traditional concept as its foundation, to reposition aspects of the people-as-root theory. It will seek to change a people-as-root theory of the people as the root to one of the people’s root; a people-as-root theory of other-as-root to self-as-root; one of people-as-means to one of people-as-ends. This essay will also seek to support the establishment of values for contemporary

¹ ‘Wuzi Zhi Ge’ (Songs of the Five Sons) in Shangshu (The Classics of History).
Chinese civil rights and political practise by a reordering of modern Chinese people-as-root thinking and civil rights theory using the construction of the noumenon of the people which will be completed with the help of rights concepts. The hope is that the above will advocate both for a new academic discourse of people-as-root that accommodates the concepts of people-oriented and for an academic discourse of civil rights that takes this new people-as-root discourse as a foundation.

1. **People-as-Root Thinking and Minquan (Civil Rights) Concepts in Ancient China**

People-as-root thinking is the most important and most brilliant part of ancient Chinese political philosophy. In one sense, the essence of ancient political thought lay in the applications of min (people); and ancient political philosophy can be thought of as a philosophy of min (min xue), the core value of which is people-as-root. It has been said that ancient Chinese philosophy, be it the

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2 Liang Qichao held that the three major features of Chinese political thinking were cosmopolitanism, populism or minben zhuyi, and socialism. Liang Qichao, *Xianqin Zhengzhi Sixiang Shi* (A History of Chinese Political Thought during the Pre-Qin), 5th edition, Shanghai: *Shangwu Yinshuguan* (the Commercial Press), 1926, p. 2. Xie Fuya wrote, ‘Chinese political thought over the past five thousand years has had one thread running through it and can be looked at as a whole cloth, because there was none of it that was not woven around the word min and so as a whole it can be called a philosophy of min.’ Xie Fuya, *Zhongguo Zhengzhi Sixiang Shigang* (Historical Outline of Chinese Political Thought), Taipei: *Zhongzheng Shuju* (Zhongzheng Book Company), 1970, p. 5.

3 Jin Yaoji divided Chinese political thinking into three tendencies in terms of its relationship with min: one that had people as root, one that did not, and one that opposed people being the root. People-as-root thinking had its origins in the line ‘The people are the root of the nation’ in the *Shang Shu*, and later played a central and influential role through its adoption by the Confucian School. Non-people-as-root thinking was found in the works of Lao Zi, Zhuang Zi, and Yang Zhu. They created a beautiful and astounding philosophy but it had little real-world political influence. Thinking opposed to the people-as-root was the creation of the Legalists Han Feizi and Li Si. This was the prevailing philosophy of the Qin Dynasty, but never again enjoyed such prominence in the two thousand years of political thought that followed. Jin Yaoji, *Zhongguo Minben*